THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27251 OF 2005

DATED 08th SEPTEMBER, 2006

BETWEEN

Pujala Ragamma and another

… Petitioners

and

The District Collector, Nellore and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27251 OF 2005

ORDER:

The petitioners herein are residents of Tatiparti village of Podalakuru Mandal in Nellore District. By proceedings, dated 24.01.2005 in file No.F Dis(B)331/F/1414, dated 24.01.2005, the petitioners were assigned agricultural dry lands admeasuring Acs.2.50 cents each in survey No.26 of Battulapallipadu village. They alleged that on 28.03.2005, the Surveyor surveyed the lands and shown the boundaries of the land to the petitioners but actual possession was not handed over to the petitioners. Therefore, they filed the present writ petition seeking a direction to the respondents to handover vacant possession of the land assigned to them.

The matter was admitted by this Court on 22.12.2005 and as requested by the learned Assistant Government Pleader for Revenue (Assignment), it was adjourned for filing counter. On 28.07.2006 having noticed that the respondents did not file counter affidavit in spite of granting sufficient time, the matter was adjourned finally for one week observing that if the counter affidavit is not filed, the writ petition would be disposed of *ex parte.* The matter is again appearing today after lapse of one week. In spite of granting time, no counter affidavit is filed on behalf of the respondents.

The petitioners have produced the xerox copies of pattas granted to them by the Mandal Revenue Officer (MRO). There is no denial regarding the assignment of pattas. When the assignment is granted to the petitioners, there cannot be any objection for the MRO to handover possession to the petitioners, especially, when the Surveyor has already surveyed the lands. Therefore, the writ petition is disposed of in the following manner.

The petitioners are given liberty to approach the Mandal Revenue Officer, the third respondent herein, with a copy of this order and with an application requesting to handover actual physical possession of the property. When the petitioners approach the MRO, he shall look into the matter and handover possession of the land to the petitioners within a period of ten days from the date of petitioners approaching the third respondent.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

08.09.2006.

pln